

EXHIBIT A



Entered on Docket
March 11, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,¹

USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,²

USA SECURITIES, LLC,³

Debtors.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING FOURTH
OMNIBUS OBJECTION OF USACM
TRUST TO PROOFS OF CLAIM BASED
UPON PALM TERRACE LITIGATION**

Hearing Date: February 20, 2009
Hearing Time: 9:30 a.m.

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

LEWIS
AND
ROCA
—LLP—
LAWYERS

1 The Court having considered the "Fourth Omnibus Objection of USACM Trust To
2 Proofs of Claim Based Upon Palm Terrace Litigation" [Docket No. 6755] (the
3 "Objection"); with appearances as set forth in the record at the hearing noted above;
4 appropriate notice of the Objection having been given; with one response to the Objection
5 having been filed by Wow Enterprises; and good cause appearing:

6 **IT IS HEREBY ORDERED** that:

- 7 1. The Objection is sustained; and
8 2. The claims listed on Exhibit A to this Order are disallowed in their entirety.

9
10 PREPARED AND RESPECTFULLY SUBMITTED BY:

11 **LEWIS AND ROCA LLP**


12 By /s/ John Hinderaker (018024)
13 Rob Charles
14 John Hinderaker
15 3993 Howard Hughes Parkway, Ste. 600
16 Las Vegas, Nevada 89169-5996
17 Telephone: (520) 629-4427
18 Facsimile: (520) 879-4705

19 *Attorneys for USACM Liquidating Trust*

20 APPROVED/DISAPPROVED

21 By: _____
22 August Landis
23 Assistant United States Trustee

24 APPROVED DISAPPROVED

25 By: 
26 Jonathan A. McMahon
Bruce Piontkowski
Tingley Piontkowski LLP
Attorneys for Palm Terrace Claimants

1 In accordance with Local Rule 9021, the undersigned certifies:

- 2 ☐ The Court waived the requirements of LR 9021.
- 3 ☐ No parties appeared or filed written objections, and there is no trustee appointed
- 4 in this case.
- 5 ☒ I have delivered a copy of this proposed order to all counsel who appeared at the
- 6 hearing, any unrepresented parties who appeared at the hearing, and any trustee
- 7 appointed in this case, and each has approved or disapproved the order, or failed
- to respond, as indicated below (list each party and whether the party has
- approved, disapproved, or failed to respond to the document):

U.S. Trustee:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input checked="" type="checkbox"/> failed to respond to the document
Other Party: Bruce Piontkowski	
<input checked="" type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

14 ###

15 Submitted by:

16 **LEWIS AND ROCA LLP**

17

18 By: /s/ JH (#018024)

19 Rob Charles

20 John Hinderaker

Attorneys for USACM Liquidating Trust

EXHIBIT A

USA – PALM TERRACE CLAIMS

<u>Claimant's Name and Address</u>	<u>Claim #</u>	<u>Claim Amount</u>
Osborne, John R c/o Curtis R. Tingley / Bruce Piontkowski ROPERS, MAJESKI, KOHN & BENTLEY 80 North First Street San Jose, CA 95113-1201	10725-01060	\$2,000,000.00
Helms, Robert c/o Curtis R. Tingley / Bruce Piontkowski ROPERS, MAJESKI, KOHN & BENTLEY 80 North First Street San Jose, CA 95113-1201	10725-01061	\$2,000,000.00
Thylin, Jim c/o Curtis R. Tingley / Bruce Piontkowski ROPERS, MAJESKI, KOHN & BENTLEY 80 North First Street San Jose, CA 95113-1201	10725-01062	\$2,000,000.00
Gray, Carol c/o Curtis R. Tingley / Bruce Piontkowski ROPERS, MAJESKI, KOHN & BENTLEY 80 North First Street San Jose, CA 95113-1201	10725-01063	\$2,000,000.00
Douglas, James c/o Curtis R. Tingley / Bruce Piontkowski ROPERS, MAJESKI, KOHN & BENTLEY 80 North First Street San Jose, CA 95113-1201	10725-01064	\$2,000,000.00
Kang, David N c/o Curtis R. Tingley / Bruce Piontkowski ROPERS, MAJESKI, KOHN & BENTLEY 80 North First Street San Jose, CA 95113-1201	10725-01065	\$2,000,000.00
Finch, Connie c/o Curtis R. Tingley / Bruce Piontkowski ROPERS, MAJESKI, KOHN & BENTLEY 80 North First Street San Jose, CA 95113-1201	10725-01066	\$2,000,000.00
Ciardella, Cathi c/o Curtis R. Tingley / Bruce Piontkowski ROPERS, MAJESKI, KOHN & BENTLEY 80 North First Street San Jose, CA 95113-1201	10725-01067	\$2,000,000.00